

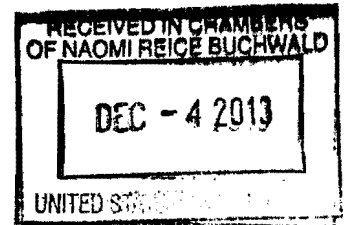
**MEMO ENDORSED
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BY HAND

December 3, 2013

Hon. Judge Naomi Reice Buchwald
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Alexander Benzemann v. Citibank et al.*
Case No. 12 CV 9145 (NRB)

MEMO ENDORSED

Request for Leave to File Sur-Reply to Citibank Reply

Your Honor:

As counsel for Plaintiff Alexander Benzemann, we respectfully request leave to file the attached Sur-Reply in response to the Reply of Defendant Citibank to the Opposition of Plaintiff to Citibank's Motion to Compel Arbitration.

Plaintiff raised some points for the first time in Plaintiff's Opposition to Citibank's Motion to Compel Arbitration to which Citibank reacted in its Reply; the requested Sur-Reply is sought to comment on Citibank's reaction to Plaintiff's points, which were:

1. the absence in the record of the client manual effective starting December 9, 2011;
2. the construction of the specific language of the April 2011 manual regarding what disputes are subject to compulsory arbitration; and
3. the unenforceability of the arbitration clause as unconscionable due to provisions that might be used by Citibank to limit punitive damages.

Entry of the proposed Sur-Reply on the record is therefore respectfully sought.

Respectfully submitted,

Andrew L. Tiajolloff
Counsel for Plaintiff
Alexander Benzemann

Application
Granted
Done
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Buchwald,
USDC
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TIAJOLOFF & KELLY LLP

Hon. Judge Naomi R. Buchwald
December 3, 2013
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